

12/17/04

# **November 2005 Election Candidacy Requirements For Statewide Office**

# 2005 ELECTION CALENDAR

## GOVERNOR, LIEUTENANT GOVERNOR AND ATTORNEY GENERAL

ELECTION TYPE	ELECTION DATE	DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		<sup>2</sup> CANDIDATE DECLARATIONS/ PETITIONS	<sup>2</sup> OTHER CANDIDATE FORMS	<sup>3</sup> PARTY CHAIRS CERTIFY CANDIDATES		
<sup>1</sup> Primary	June 14	March 29 noon to April 15 5:00 p.m.	April 15 5:00 p.m.	April 20 5:00 p.m.	May 16 5:00 p.m.	By Mail: June 9 In Person: June 11
PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN MAY 13 AND MUST BE COMPLETED BY 7:00 P.M., JUNE 14						
<sup>2</sup> General	November 8	NON-PARTY CANDIDATES June 14 7:00 p.m.	ALL CANDIDATES June 14 7:00 p.m.	June 20 5:00 p.m.	<sup>4</sup> October 11 5:00 p.m.	By Mail: November 3 In Person: November 5

<sup>1</sup>Notification of adoption of primary must be filed with the State Board of Elections by the State Party Chair not sooner than February 24, 2005 nor later than March 16, 2005.

<sup>2</sup>See the following pages for specifics as to forms required and where to be filed. The bulletin and forms are available on our web site: [WWW.SBE.VIRGINIA.GOV](http://WWW.SBE.VIRGINIA.GOV)  
OR  
for a \$10.00 prepaid fee, from the State Board of Elections. Make checks payable to: State Board of Elections (include the office you are seeking).  
VOICE: In the Richmond area, telephone 864-8901. Voice Toll-free: 800-552-9745 TTY Toll-free 800-260-3466.

<sup>3</sup>Forms for use in certification will be mailed to State Party Chairs by State Board of Elections.

<sup>4</sup>Monday, October 10 is a legal holiday (Columbus Day). Therefore, the last day to register to vote is the next business day (Tuesday, October 11, 2005).

**ON ANY ELECTION DAY - WHETHER GENERAL, PRIMARY, OR SPECIAL - THE POLLS ARE REQUIRED TO OPEN AT 6:00 A.M. AND CLOSE AT 7:00 P.M.**



## INTRODUCTION

This bulletin and all required forms are on our web site:

[http://www.sbe.virginia.gov/Election/Candidates/For\\_Candidates/candidate\\_info.htm](http://www.sbe.virginia.gov/Election/Candidates/For_Candidates/candidate_info.htm)

Each document is explained in Item VI on Pages 3, 4 and 5 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Primary Candidate, Party Candidate Nominated By Method Other Than A Primary and for an Independent (Non-Party) candidate for a General Election.

Your particular attention is called to Item II on Page 1. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call our toll-free line 800-552-9745 and ask for the Election Services Division. You also can reach us at 804-864-8901.





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## I. STATEWIDE OFFICES

This bulletin applies to the offices of Governor, Lieutenant Governor and Attorney General. These officers serve all residents in the Commonwealth of Virginia.

## II. ADVERTISING AND CAMPAIGN MATERIAL

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to the *Summary of the Campaign Finance Disclosure Act* (CFDA) and the *Stand By Your Ad Summary* published by the State Board of Elections for specific requirements. If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

The following additional information is provided for your information:

### A. Sample Ballots

Any **sample** of a paper or voting equipment **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the CFDA and, in addition, must:

1. contain the words **SAMPLE BALLOT** in not less than 24 point type; and
2. if a **paper ballot**, must be printed on paper of a color **other than white**.

### B. Posting

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 2 herein]. Contact your County Administrator or City Manager to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on **private property** if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property. [§15.2-109 of the Code of Virginia]

### C. Violations

If you believe the law has been violated and you have facts concerning the violation, you should report these facts in writing to the Commonwealth's Attorney in the county or city in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

### III. VDOT INFORMATION

## A “clean” campaign is a sign of the times



#### **Don’t “trash” your print budget or throw away volunteer time.**

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



#### **Don’t make highway workers “play politics” on the job.**

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON’T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



#### **Don’t let campaign materials turn into litter.**

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT’S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON’T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



#### **Don’t get “stuck” by bumper stickers.**

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON’T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



#### **Don’t risk your candidate’s image.**

*IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY.* YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



#### **Don’t risk someone’s life.**

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST’S VISION - AND COST SOMEONE HIS LIFE. THAT’S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

**DO put signs, posters, and other campaign materials anywhere you want on private property with the owner’s permission, of course. And because political signs and posters located off the right of way aren’t considered “outdoor advertising”, you won’t even need a permit.**

VDOT - call your local Virginia Department of Transportation office for details.

## IV. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- ◆ Qualified to vote for and hold the office sought;
- ◆ At least thirty years of age by the time of taking office;
- ◆ If a candidate for Governor or Lieutenant Governor, a resident and registered voter of the Commonwealth for five years immediately preceding the election; or
- ◆ If a candidate for Attorney General, a resident of the Commonwealth admitted to the bar of the Commonwealth at least five years prior to the election.

## V. DISQUALIFICATION - CFDA REPORTS NOT FILED FOR A PRIOR ELECTION

Individuals who are seeking, and who during the preceding five years have campaigned for, the offices of Governor, Lieutenant Governor, Attorney General, the Virginia Senate or House of Delegates must have filed all required campaign contributions and expenditures reports for those past campaigns in order to qualify as a new candidate for any of these offices. This is required by § 24.2-503.1 of the *Code of Virginia* and is in addition to other requirements for candidacy.

## VI. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

<http://www.sbe.virginia.gov/Election/Candidates/Forms/>

### A. Statement of Organization for a CANDIDATE

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

For further details, see **Starting A Campaign Committee** in the *Summary of the Campaign Finance Disclosure Act* published by the State Board of Elections and also can be downloaded from our website:

[http://www.sbe.virginia.gov/Campaign\\_Finance/](http://www.sbe.virginia.gov/Campaign_Finance/)

## VI. DOCUMENTS REQUIRED TO BE FILED (continued)

### B. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form.

### C. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. It must be filed by primary election candidates and independent (non-party) candidates. It must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file the above declaration and the petitions described below only if so required by the rules of the political party. Contact your State chair to determine if they are required.

### D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all primary and independent (non-party) candidates. Petitions **cannot** be circulated until **after** January 1, 2005.

#### 1. Petition Circulator

Petitions may be circulated by any person who is, or who is eligible to be, registered and qualified to vote for the office for which the petition is circulated. The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

#### 2. Number of Signatures Required

Petitions must contain the signatures of at least **10,000** qualified voters of the Commonwealth, including at least **400** from each of Virginia's 11 congressional districts.

The State Board recommends that a candidate get at least half again (**15,000**) the number of signatures required to assure that enough signers are qualified voters.



## **VI. DOCUMENTS REQUIRED TO BE FILED** (continued)

### **3. How Petitions Must Be Submitted**

For a statewide office, it is suggested that petitions be filed in county/city order to facilitate the processing of the filing. A line also is provided for the **optional** entry of the congressional district number for the candidate's use in tracking the requirement that at least 400 signatures be obtained from each congressional district.

Petitions for a primary election must be delivered in **sealed boxes**. A statement, **signed by the candidate under oath**, setting forth his name and the number of signatures on the petitions in the sealed boxes must be attached to the first box. [See **Item VII** herein] These boxes may be opened only by the State Chair of the candidate's party and will be delivered to that Chair by the State Board of Elections.

### **E. Statement of Economic Interests**

This document is prepared by, and available from, the Secretary of the Commonwealth.

## **VII. STATEMENT OF NUMBER OF PETITION SIGNATURES - PRIMARY CANDIDATE ONLY**

A suggested format is provided below:

<p>STATEMENT OF PETITION SIGNATURES FOR (ENTER OFFICE TITLE) June 14, 2005 (enter Democratic or Republican) Primary</p> <p>I, (enter name), do hereby swear (or affirm) that the petitions I am filing as a primary election candidate contain the following number of signatures:</p> <p align="center">(enter number)</p> <p>which include at least 400 from each of Virginia's 11 congressional districts.</p> <p align="right">(Signature of filer)</p> <p>Subscribed and sworn to before me this (enter date) day of (enter month), 2005.</p> <p align="right">(Signature of Notary)</p> <p>My term expires: (enter date)</p>
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## VIII. Primary Filing Fee

As the name suggests, this fee is required to be filed **ONLY** by primary election candidates. The amount required to be paid is 2% of the annual salary for the office sought in effect in the year in which the candidate files and as shown in the Appropriations Act adopted by the General Assembly.

Governor	\$2,497.10	[2% of \$124,855]
Lieutenant Governor	\$ 726.42	[2% of \$ 36,321]
Attorney General	\$2,213.34	[2% of \$110,667]

**NOTE:** Candidates who are nominated by a political party by a method **other than** a primary election may be required to pay a filing fee. This fee is determined by the rules of the political party. Contact the State party headquarters for details.

## **IX. FILING DEADLINES AND WHERE TO FILE**

### **For A Primary Candidate**

*Items 1, 2, 3, and 4 must be received* by the State Board of Elections by the filing deadline. Postmarks are acceptable **only** for *Items 6 and 7* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

<b>PRIMARY FILING FEE</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
Filing Fee in the amount of: \$2,497.10 for Governor \$ 726.42 for Lt. Governor \$2,213.34 for Attorney General	Treasurer of Virginia 101 N. 14 <sup>th</sup> Street Richmond, VA 23219	5:00 p.m. 4/15/05
<b>REQUIRED FORMS</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
*1. Declaration of Candidacy	State Board of Elections	No earlier than Noon, 3/29/05 and no later than 5:00 p.m., on 4/15/05
*2. Petitions of Qualified Voters		
3. Receipt for Payment of Primary Filing Fee		
4. Statement of Number of Petitions Signatures		
*5. Statement of Organization for a CANDIDATE**	Secretary of the Commonwealth	5:00 p.m. 4/15/05
*6. Certificate of Candidate Qualification		
*7. Statement of Economic Interests		5:00 p.m. 4/15/05

### **DO'S AND DON'TS FOR A PRIMARY ELECTION**

See [http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS\\_DONT1P.pdf](http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONT1P.pdf)

and

### **GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**

See [http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS2P.pdf](http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS2P.pdf)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline  
MAY NOT have his name printed on the Primary Election ballot.**

\* Refer to Pages 3, 4 and 5 herein for details

\*\*The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

## **X. FILING DEADLINE AND WHERE TO FILE**

### **For A Party Candidate Nominated By Method Other Than A Primary**

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

<b>REQUIRED FORMS</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
*1. Certificate of Candidate Qualification	State Board of Elections	7:00 p.m. 6/14/05
*2. Statement of Organization for a CANDIDATE **		
*3. Statement of Economic Interests	Secretary of the Commonwealth	7:00 p.m. 6/14/05

### **DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION**

See [http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS1\\_GE.pdf](http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS1_GE.pdf)

and

### **GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**

See [http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS2G.pdf](http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS2G.pdf)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

<p><b>Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the General Election ballot.</b></p>
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\* Refer to Pages 3, 4 and 5 herein for details.

\*\*The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

## **XI. FILING DEADLINE AND WHERE TO FILE**

### **For An Independent (Non-Party) Candidate**

*Items 1 and 2* listed below **must be received** by the State Board of Elections by the filing deadline. Postmarks are acceptable **only** for *Items 4 and 5* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

<b>REQUIRED FORMS</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
*1. Declaration of Candidacy	State Board of Elections	7:00 p.m. 6/14/05
*2. Petitions of Qualified Voters		
*3. Statement of Organization for a CANDIDATE **		
*4. Certificate of Candidate Qualification		
*5. Statement of Economic Interests	Secretary of the Commonwealth	7:00 p.m. 6/14/05

### **DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION**

See [http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS1\\_GE.pdf](http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS1_GE.pdf)

and

### **GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**

See [http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS\\_DONTS2G.pdf](http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS2G.pdf)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline  
MAY NOT have his name printed on the General Election ballot.**

\* Refer to Pages 3, 4 and 5 herein for details.

\*\*The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

## **XII. REQUIREMENTS FOR INDEPENDENT CANDIDATE TO USE PARTY ID ON BALLOT**

The General Assembly enacted legislation permitting an Independent to be identified on the ballot as a member of a political party (other than the Democratic Party or the Republican Party). In order to do so, the State Chair of the group must provide certain documents to the State Board of Elections **no later than 5:00 PM on Monday, June 20, 2005**.

These documents are:

1. An affidavit signed by the State Chair of the group, under oath, stating that the group:
  - a. Has been in existence for at least six months prior to the filing deadline (existed on or before December 14, 2004);
  - b. Has a state central committee composed of registered voters from each of Virginia's 11 congressional districts;
  - c. Has a party plan and bylaws; and
  - d. Has a duly designated chairman and secretary.
2. A list of the names and resident addresses of the officers and members of the state central committee;
3. A copy of the party plan and bylaws; and
4. A letter signed by the State Chair of the group, certifying that the individual is the nominee of the Party and, if his filing is adequate and he is determined to be qualified, is eligible to be identified as such on the November 8, 2005 ballot for the (provide office title) for which he filed as an Independent candidate.

### **NOTE:**

The State Board of Elections recommends that the Independent candidate provide this information to the State Chair of the political party if he wishes to be identified as a member of a specific group on the November 8 ballot to assure that deadline for providing this information is met.

## **XIII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS**

An independent (non-party) candidate may request notification of any problems with his filing that can be corrected **before** the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the State Board of Elections. It must accompany the declaration of candidacy and petitions filed with the State Board.

The written request **does not guarantee** timely response. Certain factors may affect the Board's ability to comply with the request, that is, the number of filings, etc. It is suggested that documents be filed **at least thirty [30] working days before the filing deadline** if this notice is requested.

## **XIV. OTHER REQUIRED REPORTS**

All candidates for any statewide office must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures electronically. These reports are filed **only** with the State Board of Elections and are due even if no contributions are received nor expenditures made. In this case, **only** a *Report Of No Activity* must be filed.

See Candidate Reporting Schedule for dates reports are due.

The State Board of Elections will canvass the November 8 elections on Monday November 28, 2005. A certificate of election will be prepared by the Board on that day. This certificate cannot be issued to any person elected until all required reports are filed. Any successful candidate may file the post-election report no earlier than December 5 and must file it no later than December 8, 2005.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

## **XV. ORDER OF NAMES ON BALLOTS**

### **In Primary Elections**

Candidates appear on the ballot in the order in which they file. This is why no candidate may file earlier than Noon on March 29, 2005, nor later than 5:00 p.m. on April 15, 2005. If two or more candidates file at the same time, the order in which they appear will be determined by a drawing conducted by the State Board of Elections.

### **In General Elections**

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Non-partisan or independent candidates appear in alphabetical order following the candidates of political parties.

## **XVI. THE SUCCESSFUL CANDIDATE**

Any successful candidate must file, as a condition to assuming office, with the Secretary of the Commonwealth, a **second** Statement of Economic Interests as required by §§ 2.2-3114 and 2.2-3117 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by, and available from, the Secretary of the Commonwealth.

The successful candidate is required by law to qualify and take the oath of office on or before the date the term of office begins.

## XVII. FREQUENTLY ASKED QUESTIONS

Listed below are the most commonly asked questions. If you need further details, please call us on our toll-free number.

A. Who may circulate a candidate's petitions?

Petitions may be circulated by any person who is registered, or eligible to be registered to vote in Virginia. The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

B. I am circulating a petition for a candidate. May I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate. May I notarize the petition pages I circulate?

**NO TO BOTH.** The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his/her own signature.

C. I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?

**NO.** § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.



## **XVII. FREQUENTLY ASKED QUESTIONS** (continued)

D. I work for the federal government. Can I be a candidate?

**Generally, NO** because the election is a partisan one.

An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

Employees of the federal government are prohibited from being candidates in partisan elections by the federal law commonly known as the Hatch Act.

Most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer**.

E. I work for the state or a local government. Can I be a candidate?

**Some** state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work**. If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer**.